

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

LILLIAN ROSE, INC.,

Plaintiff,

v.

Case No. 04-C-0354

**AFFORDABLE LUXURIES, INC. and
PREMIER PRODUCTS DISTRIBUTION LLC,**

Defendants.

ORDER

On April 8, 2004, the above-captioned suit, for breach of contract and other causes of action, was removed from Waukesha County Circuit Court to federal court pursuant to 28 U.S.C. § 1332. Subsequently, a counterclaim was filed by the defendants. In July of 2004, during a telephonic scheduling conference, the Court established a final pre-trial telephonic conference date of June 24, 2005. However, that final pre-trial call was never held because the parties did not submit any pre-trial reports to the Court. Accordingly, the trial, originally set for July of 2005, was removed from the Court's calendar.

Subsequently, the Court's deputy clerk was informed by David C. Turiciano of Cook & Franke S.C. that his firm would be taking no further action on behalf of the plaintiff and no other attorney would be filing an appearance in this case. (Apparently, the counsel of record for the plaintiff, Raymond D. Jamieson, has left Cook & Franke and joined the firm

of Quarles & Brady, LLP, which represents the Defendants in this action.) Of course, this informal communication leaves open various possibilities as to the proper disposition of this action, including voluntary dismissal, dismissal for lack of prosecution, or even the imposition of a stay. The Court does not know, and will not guess at, the parties' intentions. Parties should not bring claims and counterclaims and then allow them to languish on the Court's docket because the parties have decided not to take further action. At the very least, some type of formal notification to the Court is expected.

Therefore, the parties are ordered to inform the Court of their intentions related to this action, either by letter or appropriate motion or stipulation. The Court will direct the present order to both attorneys currently of record in this case, Raymond D. Jamieson and Cristina D. Hernandez-Malaby, as well as David C. Turiciano.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY
ORDERED THAT:**

The parties, through their attorneys, shall inform the Court, by letter or appropriate motion or stipulation, and no later than August 15, 2005, whether they intend to pursue their respective causes of action and counterclaim. If the Court has not heard from the parties by that date, the actions of both parties will be dismissed for lack of prosecution.

Dated at Milwaukee, Wisconsin this 3rd day of August, 2005.

BY THE COURT

s/ Rudolph T. Randa

Hon. Rudolph T. Randa
Chief Judge